IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA ANDERSON DIVISION

John Doe,) C. A. No. 8:16-cv-01957-BHH
Plaintiff,)
vs.)
Clemson University, Clemson University)
Board of Trustees, James P. Clements,) CONSENT AMENDED
individually and as agent for Clemson) SCHEDULING ORDER
University, Almeda Jacks, individually and as)
agent for Clemson University, Alesia Smith,)
individually and as agent for Clemson	
University, Suzanne Price, individually and as	
agent for Clemson University, Loreto Jackson,)
individually and as agent for Clemson University	7)
and David Frock, individually and as agent for)
Clemson University,)
)
Defendants.	<u>)</u>

Pursuant to the Federal Rules of Civil Procedure and the Local Civil Rules of this Court, the following schedule is established for this case.

- 1. A conference of the parties pursuant to Fed. R. Civ. P. 26(f) shall be held no later than **August 9, 2016**. At conference the parties shall confer concerning all matters set forth in Fed.R.CivP. 26(f) and whether the schedule set forth in this order is appropriate and, if not, what modifications are necessary.²
- 2. Parties have agreed to waive the required initial disclosures under Fed. R. Civ. P. 26(a)(1).³

¹Plaintiff's counsel shall initiate the scheduling of the Rule 26(f) conference with all counsel known to plaintiff regardless of whether they have filed appearances.

²The parties shall also consider whether they wish to consent to trial before a United States Magistrate Judge. See attached Notice of Availability of United States Magistrate Judge.

³Pursuant to Fed. R. Civ. P. 26(a)(1), the parties may, by stipulation, agree not to make some or all of the Rule 26(a)(1) initial disclosures. If such a stipulation is made, it shall be confirmed in writing between the parties. See Fed. R. Civ. P. 29 and Local Civil Rule 29.01.

- 3. No later than <u>August 25, 2016</u>, the parties shall file a Rule 26(f) Report in the form attached to this order. Parties are hereby notified that Local Civil Rule 26.03 lists additional queries to be answered in the Rule 26(f) Report.
- 4. Motions to join other parties and amend the pleadings (Fed. R. Civ. P.16(b)(3)(A)) shall be filed no later than **December 30, 2016**.⁴
- 5. Plaintiff(s) shall file and serve a document identifying by full name, address, and telephone number each person whom Plaintiff(s) expects to call as an expert at trial and certifying that a written report prepared and signed by the expert including all information required by Fed. R. Civ. P. 26(a)(2)(B) has been disclosed to other parties by **January** 31, 2017.
- 6. Defendant(s) shall file and serve a document identifying by full name, address, and telephone number each person whom Defendant(s) expects to call as an expert at trial and certifying that a written report prepared and signed by the expert including all information required by Fed. R. Civ. P. 26(a)(2)(B) has been disclosed to other parties by March 31, 2017.
- 7. Counsel shall file and serve affidavits of records custodian witnesses proposed to be presented by affidavit at trial no later than <u>June 30, 2017</u>. Objections to such affidavits must be made within fourteen (14) days after the service of the disclosure. (See Fed. R. Evid. 803(6), 902(11), or 902(12) and Local Civil Rule 16.02(D)(3)).
- 8. Discovery shall be completed no later than <u>June 30, 2017</u>. All discovery requests shall be served in time for the responses thereto to be served by this date. De bene esse depositions must be completed by discovery deadline. No motions relating to discovery shall be filed until counsel have consulted and attempted to resolve the matter as required by Local Civil Rule 7.02 and have had a telephone conference with Judge Hendricks in an attempt to resolve the matter informally. The request for a telephone conference should be made within the time limit prescribed by local rule for filing such motion.
- 9. Mediation shall be completed in this case on or before <u>June 30, 2017</u>. See the Mediation Order filed in this case which sets forth mediation requirements.
- 10. All other motions, except those to complete discovery, those nonwaivable motions made pursuant to Fed. R. Civ. P. 12, and those relating to the admissibility of evidence at trial, shall be filed on or before **August 31, 2017**. (Fed. R. Civ. P.16(b)(3)(A)).
- 11. This case is subject to being called for jury selection and/or trial after <u>January 18, 2018</u>. Once a specific jury selection and trial date are scheduled, a Notice will be issued at that time. The Notice will set forth deadlines for the Fed. R. Civ. P. 26(a)(3) pretrial

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⁴As a general rule, when no timely response is filed to any motion, the Court will grant the motion with the notation that it is being "granted *without opposition*."

disclosures and objections, Motions in Limine, Pretrial Briefs, and marking of exhibits.

<u>/s/Bruce Howe Hendricks</u> United States District Judge

August 25, 2016 Greenville, South Carolina

Pursuant to Local Civil Rule 83.I.06, this order is being sent to local counsel only.